

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DANIEL A. FERRIE,

Plaintiff,

v.

K MART CORPORATION,

Defendant.

Civil Action No: 04 Civ. 12068 (JLT)

JOINT STATEMENT OF THE PARTIES PURSUANT TO LOCAL RULE 16(d)

Pursuant to Local Civil Rule 16.1(d), defendant, K Mart Corporation (“Defendant”), and plaintiff, Daniel A. Ferrie (“Plaintiff”) (together, the “Parties”), certify that they have conferred and considered the topics contemplated by Fed. R. Civ. P. 16(b) & (c) and 26(f). The Parties jointly state as follows:¹

I. Resolution by Magistrate/Mediation/ADR Program

The Parties do not agree to a trial before a Magistrate Judge, mediation or ADR at this time.

II. Joint Discovery Plan And Proposed Motion Schedule

The Parties do not wish to conduct discovery in phases and jointly propose the following discovery, motion and general litigation schedule:

- A. January 20, 2005: deadline for amendment of pleadings
- B. May 31, 2005: close of discovery
- C. July 31, 2005: all motions under Fed. R. Civ. P. 56 or otherwise shall be filed
- D. December 1, 2005: ready for trial.

¹ The Parties' respective Local Rule 16.1(d)(3) Certifications will be filed under separate cover.

- E. The Parties shall be prepared to discuss a prompt date for trial at the final pre-trial conference.

III. Persons/Entities the Parties Wish To Depose

A. Plaintiff's Depositions

1. David Napier
2. Jonathan Swank
3. Ryan Shea
4. David Mitchell
5. Charles James
6. David Bennett
7. Rule 30(b)(6) of Kmart.

B. Defendant's Depositions

1. Daniel Ferrie
2. Any doctor or other medical professional identified by Ferrie in the course of discovery as having information relevant to his claims.

Respectfully submitted on this 22nd day of December, 2004.

DANIEL A. FERRIE

K MART CORPORATION

By his attorney,

By its attorneys,

/s/ Paul F. Wood (by JMR w/permission)

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